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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,436	10/28/2003	Matthew F. Schmidt	225.00010124	4462
26813	7590	08/23/2004	EXAMINER	
MUETING, RAASCH & GEBHARDT, P.A. P.O. BOX 581415 MINNEAPOLIS, MN 55458				MITCHELL, TEENA KAY
ART UNIT		PAPER NUMBER		
				3743

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Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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PAPER

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Commissioner for Patents

Claims 1-80 of this application has been copied from U.S. Patent No. 6,470,885 and Application 10/235,472 for the purpose of an interference.

Applicant has failed to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application.

Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application. See 37 CFR 1.607(a)(5). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

Examples of some of the claimed elements which applicant needs to provide proof of support in applicant's specification for such limitations of the copied claims are: pressure sensor, selector, flow sensor, generating information regarding an average flow rate of oxygen delivered from said supply to a user; determining if a change in average flow rate exceeds a predetermined amount and, if so, triggering an alarm; determining an average dose time, said average dose time indicative of the average flow rate of oxygen delivered to said user and triggering an alarm if said average dose time changes by an amount exceeding a predetermined amount; an average dose time calculator; determining a first maximum time if said actual level has not reached said goal level or said actual level is below a minimum level, determining a second minimum time if said actual level is above said goal level; determining a delivery volume comprising a desired quantity of oxygen divided by said breath rate, and determining said variable time by dividing said delivery volume by a flow rate of supplemental oxygen available. The examiner has only provided a few examples of elements in which applicant needs to show where support in applicant's specification is located, it is applicant's responsibility to provide detailed explanation of where support for the claimed limitations of claims 1-80 are shown in applicant's specification.

Henry Bennett
Supervisory Patent Examiner
Group 3700